

GROVE CITY, OHIO COUNCIL LEGISLATIVE AGENDA

September 18, 2017

6:30 - Caucus

7:00 – Reg. Meet.

Presentations: Central Crossing ROTC

FINANCE: Mr. Davis

- | | |
|----------------------------|---|
| <u>Ordinance C-49-17</u> | Appropriate \$6,000.00 from the SR665 Tax Increment Equivalent Fund for the Current Expense of Making Payments in accordance with the Jackson Township Compensation Agreement. First reading. |
| <u>Ordinance C-50-17</u> | Appropriate \$374,000.00 from the Scioto Township Joint Economic Development District Fund for the Current Expense of Making Payments in accordance with the JEDD Contract. First reading. |
| <u>Ordinance C-51-17</u> | Authorize the City Administrator to enter into an Agreement with Lighttower for Dark Fiber. First reading. |
| <u>Resolution CR-40-17</u> | Accepting the Amounts and Rates as determined by The Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor. |
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SAFETY: Mr. Robinette

- | | |
|--------------------------|---|
| <u>Ordinance C-45-17</u> | Amend Section 521.08 of the Codified Ordinances titled Littering or Dumping of Garbage or Rubbish. Second reading and public hearing. |
| <u>Ordinance C-46-17</u> | Amend Various Sections of the Codified Ordinances to Prohibit Cultivation, Processing or Retail Distribution of Medical Marijuana. Second reading and public hearing. |
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SERVICE: Mr. Berry

- | | |
|--------------------------|---|
| <u>Ordinance C-52-17</u> | Authorize the City Administrator to enter into a Maintenance Agreement with the Ohio Department of Transportation for the Stringtown Road and I-71 Northbound Ramp Intersection Improvement. First reading. |
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LANDS: Mr. Bennett

- | | |
|--------------------------|---|
| <u>Ordinance C-48-17</u> | Vacate a Water Line Easement on Gantz Road. Second reading and public hearing. |
| <u>Ordinance C-53-17</u> | Approve a Special Use Permit for an Automotive Dealer and Repair Services for RCD RV Supercenter located West of Seeds Rd. & South of S.R. 665. First reading |
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ON FILE: Minutes of: 09/05 - Council Meeting & Planning Commission Meeting

No.: C-49-17
1st Reading: 09/18/17
Public Notice: 9/21/17
2nd Reading: 10/02/17
Passed: _____ Rejected: _____
Codified: _____ Code No: _____
Passage Publication: _____

AN ORDINANCE TO APPROPRIATE \$6,000.00 FROM THE SR665 TAX INCREMENT
EQUIVALENT FUND FOR THE CURRENT EXPENSE OF MAKING PAYMENTS IN
ACCORDANCE WITH THE JACKSON TOWNSHIP COMPENSATION AGREEMENT

Michael A. Turner, Director of Finance

No.: C-50-17
1st Reading: 09/18/17
Public Notice: 9/21/17
2nd Reading: 10/02/17
Passed: Rejected:
Codified: Code No:
Passage Publication:

Michael A. Turner, Director of Finance

Date: 9/13/17
Introduced By: Mr. Davis
Committee: Finance
Originated By: Mr. Hurley
Approved: Mr. Boso
Emergency: 30 Days: X
Current Expense:

No.: C-51-17
1st Reading: 09/18/17
Public Notice: 09/21/17
2nd Reading: 10/02/17
Passed: Rejected:
Codified: Code No:
Passage Publication:

ORDINANCE C-51-17

AN ORDINANCE TO AUTHORIZE THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH LIGHTOWER FOR DARK FIBER

WHEREAS, this agreement will provide 21.3 miles of dark fiber to connect the City's fiber network to the data center; and

WHEREAS, this agreement will replace an existing three-year agreement and save the City \$2,100.00 a month; and

WHEREAS, because the new agreement with Lightower exceeds twelve (12) months, it must be approved by Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The City Council hereby authorizes the City Administrator to execute a new multi-year agreement with Lightower as set forth in Exhibit "A".

SECTION 2. This Ordinance shall take effect at the earliest date permitted by law.

Roby Schottke, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I certify that this ordinance is correct as to form.

Stephen J. Smith, Director of Law

I certify that there is money in the treasury, or is in the process of collection, to pay the within ordinance.

Michael A. Turner, Director of Finance



C-51-17
exhibit A
Service Order Form

Order Type: Renewal/Replacement
SO # 2017-21875

Customer Contact Detail

Company	City of Grove City			
Address & Contact	Address	4035 Broadway		
	City, State	Columbus, Ohio		
	Phone	(614) 277-1725	Fax	
Billing Address & Contact	Name	City of Grove City		
	Billing Address	4035 Broadway		
	City, State	Columbus, OH 43123	Phone	6142771725
Technical Contact	Name	Todd Hurley	Primary Phone	614-277-1725
	E-mail	thurley@grovecityohio.gov	Alternate Phone	

Services Detail

Service Type

Dark Fiber	# Fibers	2	Route Miles	21.30	Fiber Miles	42.60
	Total MRC	\$2,950.00	Total NRC	\$0.00		
	Install Lead Time	120 Days	Service Type	Point to Point		
	Replacing the current dark for a new dark fiber route.					
	Replacing SO88557, SO88558 & SO88559 for 2-Strand Fiber Connection b/n Splice Point & Expedient at 5000 Arlington Center Blvd, 1st Floor, Columbus, OH 43220 (Existing On-Net)					
	Comments Build to connect to Grove City Splice Point 36 @ Intersection of Galloway Road & W. Broad Street (NearNet) to splice 2 Fibers from our Columbus Backbone. Current MRC is \$1350- 36 month contract and will be replaced by \$2950 MRC on 60 month contract. Existing Service ID S088557					
Location 1	Splice # 36 Galloway Rd. & W. Broad St, Columbus, OH 43228					
Location 2	5000 Arlington Center Blvd, 1st Floor, Columbus, OH 43220					

Order Summary

Pricing & Contract Terms	Salesperson	Teena Dixon	Terms (Months)	60									
	Client Service Mgr	Jodie Snook											
	Order Contact	Todd Hurley	Contact Email	thurley@grovecityohio.gov									
		<table><tr><th></th><th>NRC *</th><th>MRC*</th></tr><tr><td>Dark Fiber</td><td>\$0.00</td><td>\$2,950.00</td></tr><tr><td>Total</td><td>\$0.00</td><td>\$2,950.00</td></tr></table>		NRC *	MRC*	Dark Fiber	\$0.00	\$2,950.00	Total	\$0.00	\$2,950.00		
	NRC *	MRC*											
Dark Fiber	\$0.00	\$2,950.00											
Total	\$0.00	\$2,950.00											
*Pricing shown does not reflect applicable taxes and fees.													

ORDER ACCEPTANCE

THIS SERVICE ORDER IS ENTERED INTO BETWEEN PROVIDER AND CUSTOMER EFFECTIVE AS OF THE DATE OF THE LAST SIGNATURE BELOW. THIS SERVICE ORDER IS SUBJECT TO THE PROVISIONS OF THE MASTER SERVICE AGREEMENT BETWEEN CUSTOMER AND PROVIDER DATED 6/28/2016 ("AGREEMENT"), WHICH IS INCORPORATED HEREIN BY REFERENCE. IN THE EVENT CUSTOMER AND PROVIDER HAVE NOT EXECUTED A MASTER AGREEMENT AND SERVICE SUPPLEMENT APPLICABLE TO THE TYPE OF SERVICE CONTEMPLATED BY THIS SERVICE ORDER, THEN THIS SERVICE ORDER WILL BE GOVERNED BY THE "LIGHTTOWER TERMS AND CONDITIONS OF SERVICE VERSION 2.0" AVAILABLE AT WWW.LIGHTTOWER.COM/CONTRACTS AND INCORPORATED HEREIN BY REFERENCE. TO THE EXTENT NO SUCH AGREEMENT OR SUPPLEMENT HAS BEEN EXECUTED BY THE PARTIES.

Customer		Provider	
	City of Grove City		Fiber Technologies Networks, LLC
Signature		Signature	
Name/Title		Name/Title	
Date		Date	

Date: 09/13/17
Introduced By: Mr. Davis
Committee: Finance
Originated By: Mr. Turner
Approved: Mr. Boso
Emergency: 30 Days:
Current Expense:

No.: CR-40-17
1st Reading: 09/18/17
Public Notice:
2nd Reading:
Passed: Rejected:
Codified: Code No:
Passage Publication:

RESOLUTION NO. CR-40-17

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

The Council of the City of Grove City, Franklin County, Ohio, met in regular session on the nineteenth day of September, 2017, at the office of Council (Council Chambers) with the following members present:

Steve Robinette
Steven M. Bennett
Roby Schottke
Jeffrey M. Davis
Ted A Berry

Mr. Bennett moved the adoption of the following Resolution:

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2018; and

WHEREAS, the Budget Commission of Franklin County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION 2. There be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2017 (collection year 2018) as follows:

SCHEDULE A

FUND	Amount to be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Full Tax Rate to Be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund		\$623,280.51	0.70	
General Fund Charter	\$267,120.22			0.30
Bond Retirement				
Bond Retirement Charter	\$890,400.72			1.00
Police Pension		\$1,335,601.09	1.50	
Police Operating				
Fire Pension				
Fire Operating				
Police/Fire Pension				
Capital Improvement Charter				
TOTAL	\$1,157,520.94	\$1,958,881.60	2.20	1.30

SECTION 3. The Clerk of Council be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

SECTION 4. This resolution shall take effect at the earliest opportunity allowed by law.

Roby Schottke, President of Council

Richard L. Stage, Mayor

Passed:
Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this resolution
is correct as to form.

Stephen J. Smith, Director of Law

Date: 09/12/17
Introduced By: Mr. Berry
Committee: Service
Originated By: Mr. Smith
Approved: Mr. Boso
Emergency: 30 Days: X
Current Expense:

No.: C-52-17
1st Reading: 9/18/17
Public Notice: 9/21/17
2nd Reading: 10/02/17
Passed: Rejected:
Codified: Code No:
Passage Publication:

ORDINANCE C-52-17

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE ASSISTANT TO ENTER INTO A MAINTENANCE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE STRINGTOWN ROAD AND I-71 NORTHBOUND RAMP INTERSECTION IMPROVEMENT

WHEREAS, under Section 5501.03(A)(3) of the Ohio Revised Code, the Director may coordinate the activities of the Department of Transportation with other appropriate public authorities and enter into contracts with such authorities as necessary to carry out its duties, powers and functions and Under Section 5501.11(A)(4) of the Ohio Revised Code, the Director may cooperate with the counties, municipal corporations, townships and other subdivisions of the state in the establishment, construction reconstruction, maintenance, repair and improvement of the public roads and bridges; and

WHEREAS, Grove City has determined it to be in the public interest to make certain street improvements to Stringtown Road which will widen and upgrade the road by installing dual westbound right turn lanes at the Interstate 71 Northbound on-ramp intersection, including new curb, drainage facilities and landscaping within the City of Grove City, Franklin County; and

WHEREAS, ODOT agrees with Grove City in proceeding with construction of this improvement, including features extending into the I-71 northbound ramp right-of-way; and

WHEREAS, the parties desire to memorialize the responsibilities and obligations for maintenance, repair and replacement of those features of this Project which are located within or adjacent to I-71 right-of-way and the northbound ramp intersection by entering into the attached Agreement.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The City Administrator is hereby empowered and directed on behalf of the City to enter into the Maintenance Agreement with ODOT, attached hereto and made a part hereof as Exhibit "A".

SECTION 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

ODOT AGREEMENT NO. 31219

C-52-17
Exhibit A

**MAINTENANCE AGREEMENT
BETWEEN THE CITY OF GROVE CITY AND
THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION
STRINGTOWN ROAD AND I-71
NORTHBOUND RAMP INTERSECTION IMPROVEMENT**

This Maintenance Agreement (hereinafter the "Agreement") is made by and between the State of Ohio, acting by and through the Director of Transportation, hereafter referred to as "ODOT", 1980 West Broad Street, Columbus, Ohio 43223, and the City of Grove City, Ohio, hereinafter referred to as "THE CITY", 4035 Broadway, Grove City, Ohio 43123.

PURPOSES:

WHEREAS, under Section 5501.03(A)(3) of the Ohio Revised Code, the Director may coordinate the activities of the Department of Transportation with other appropriate public authorities and enter into contracts with such authorities as necessary to carry out its duties, powers and functions and under Section 5501.11(A)(4) of the Ohio Revised Code, the Director may cooperate with the counties, municipal corporations, townships, and other subdivisions of the state in the establishment, construction, reconstruction, maintenance, repair, and improvement of the public roads and bridges; and

WHEREAS, under Section 5515.01 of the Revised Code, the Director may grant a permit to any individual to use or occupy such portion of the highway system that will not incommode the traveling public; and

WHEREAS, THE CITY has determined it to be in the public interest to make certain street improvements to Stringtown Road which will widen and upgrade the road by installing dual Westbound right turn lanes at the Interstate 71 (IR-71) Northbound on-ramp intersection, including new curb, drainage facilities and landscaping within the City of Grove City, Franklin County; and

WHEREAS, ODOT agrees with the CITY in proceeding with construction of this improvement, including features extending into the IR-71 northbound ramp right of way; and

WHEREAS, the description of the project identified as **STRINGTOWN ROAD AND I-71 NORTHBOUND RAMP INTERSECTION IMPROVEMENT** (hereinafter referred to as "THE PROJECT") is as follows:

THE PROJECT, includes the addition of dual Westbound right turn lanes through pavement widening, and drainage upgrades beginning around station 30+50 at the intersection of the I-71 northbound ramp intersection to around 36+50 at the

curb intersection of Jackpot Road. Also included in the project is the partial median removal to extend the eastbound left turn lane to Jackpot Road, and northbound I-71 Ramp intersection signal replacement. Sidewalk, decorative fencing and masonry pillars are also included; and

WHEREAS, the improvements to be made within the area of the IR-71 northbound ramp intersection with Stringtown Road are depicted on Exhibit A attached hereto; and

WHEREAS, the parties desire to identify and memorialize the responsibilities and obligations for maintenance, repair and replacement of those features of THE PROJECT which are located within or adjacent to IR-71 right of way and the northbound ramp intersection.

NOW THEREFORE, in consideration of the mutual covenants and benefits stated herein, and in further consideration of the obligations, terms and considerations hereinafter set forth, ODOT and THE CITY agree as follows:

1. OBLIGATIONS OF THE CITY

- 1.1 Upon completion of THE PROJECT, THE CITY will maintain or cause to be maintained decorative fencing and masonry pillars, painted signal poles, painted signs, street lighting and other aesthetic enhancements that are located in the highway right-of-way as depicted and noted on Exhibit A.
- 1.2 THE CITY shall generally provide for the routine maintenance of THE PROJECT as defined in but not limited to, Section 5501.49 of the Ohio Revised Code. Additional work to be performed by THE CITY shall consist of all aspects of the maintenance, repair and/or the replacement of:
 - a. All sidewalks;
 - b. All items associated with the street lighting and any specialized lighting;
 - c. All decorative fencing and masonry pillars;
 - d. Signal supports, signal heads, pedestrian heads, push buttons, bracket arms, luminaires and controller cabinet.
 - e. All aesthetic design elements including the paint on the light poles, signal poles and supports and signs.
- 1.3 While performing any routine maintenance, or repair or replacement of these features, THE CITY agrees to maintain traffic on the lanes, shoulders and exit and entrance ramps to the interstate system (IR-71) in accordance with the applicable ODOT standards. In the event that such activities or work would require lane, shoulder or ramp closures THE

CITY will obtain advance written approval from ODOT by permit with application made to the District 6 offices.

- 1.4 In the event that maintenance or repair work requires that workers or vehicles are on the pavement or shoulders, such work and occupation shall be conducted in compliance with all requirements of the Ohio Manual of Uniform Traffic Control Devices.
- 1.5 Highway appurtenances disturbed by THE CITY or its agents shall be restored using materials, design, and workmanship in conformance with ODOT's Location and Design Manual, Construction and Material Specifications, and ODOT Standards.
- 1.6 THE CITY shall be responsible for all loss, liability, damages or claims for injury or death, or damage of whatever nature to any person, property, or business caused by or resulting from activities of THE CITY, its employees, agents, or contractors under this Agreement, including any costs incurred by ODOT for defending against the same.
- 1.7 THE CITY shall comply with Air pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.

2. OBLIGATIONS OF THE STATE

- 2.1 Subject to the restrictions of state and federal law, including but not limited to the Highway Beautification Act, ODOT shall not unreasonably deny THE CITY and any future developer permits that meet the development and aesthetic needs of THE CITY and ODOT.
- 2.3 Following the completion of THE PROJECT, in the event of any ODOT sponsored project which affects THE PROJECT area, ODOT shall replace, or temporarily relocate and reinstall any landscaping and design elements.

3. EXPIRATION; TERMINATION

- 3.1 The term of this agreement shall commence upon the date of execution of both parties and shall not expire, unless otherwise agreed between the parties in a written document.

4. GENERAL PROVISIONS

- 4.1 The signing of the Agreement does not in any way abridge the right, duties and responsibilities of the Director of Transportation in ODOT's jurisdiction over the state and interstate highway system. If at any time it becomes necessary, in the opinion of the Director of Transportation to order the removal, reconstruction, relocation, or repair of the improvements in Section 1.2 above for the safety of the traveling public, such removal work shall be completed wholly at the expense of THE CITY, and be made as directed by the Director of Transportation.

- 4.2 This Agreement constitutes the entire Agreement between the parties. All prior discussion and understandings between the parties regarding maintenance are superseded by this Agreement.
- 4.3 Any modifications to this Agreement shall only be made by written agreement of both parties.
- 4.4 Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned to any party hereto without the express written consent of the other parties.
- 4.5 This Agreement shall be construed and interpreted and the rights of the parties determined in accordance with the laws of the State of Ohio (including, but not limited to R.C. 5501.22, which restricts jurisdiction over claims brought against ODOT or the Director to courts of Franklin County) together with any relevant federal law or regulations.
- 4.6 The ODOT Deputy Director of District 6 shall have authority to ensure the compliance with any and all provisions of this Agreement.
- 4.7 The signing of the Agreement or the doing of any work thereunder shall constitute an agreement by THE CITY to comply with all of the terms, conditions and restrictions written herein.
- 4.8 In the event that any of the improvements constructed by THE CITY under THE PROJECT identified herein requires or required acquisition of right of way to expand or to adjust existing IR-71 right of way held by ODOT, THE CITY hereby confirms that such acquisition was performed in compliance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Chapter 61), 49 CFR Part 24, Ohio Revised Code Chapter 163, and Ohio Administrative Code Sections 5501:2-5-01 through 2-5-06.
- 4.9 THE CITY for itself, its successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that (1) no person on the ground of race, color, national origin, sex, disability, low-income status, or limited English proficiency, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of the facilities described in THE PROJECT, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, disability, low-income status, or limited English proficiency, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the THE CITY will use the premises covered under this Agreement in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended.

In the event of breach of any of the above Nondiscrimination covenants, the *Ohio Department of Transportation* will have the right to terminate this Agreement or any

permit issued under it and to enter or re-enter and repossess said land and the facilities thereon within the IR-71 right of way and hold the same as if this Agreement or any permit issued under it had never been made or issued.

- 4.10 It is expressly understood by the parties that all financial obligations of the State of Ohio are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by ODOT. If the Ohio General Assembly fails at any time to continue funding for any maintenance and inspection by ODOT provided herein, this Agreement may be terminated as of the date that the funding expires without further obligation of ODOT.

- 4.11 Notice under this Agreement shall be directed, in writing, as follows:

Ohio Department of Transportation
District 6
400 East William Street
Delaware, Ohio 43015

City of Grove City
4035 Broadway
Grove City, Ohio 43123

Attn: Administrator

Attn: District Deputy Director

- 4.12 Any person executing this Agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute on such principal's behalf.

STATE OF OHIO

CITY OF GROVE CITY

Department of Transportation

By: _____
Jerry Wray, Director

By: _____
Charles W. Boso, Jr.,
City Administrator

Date: _____

Date: _____

Date: 08/27/17
Introduced By: Mr. Robinet
Committee: Safety
Originated By: Mayor Stage
Approved: _____
Emergency: 30 Days: _____
Current Expense: _____

No.: C-45-17
1st Reading: 09/05/17
Public Notice: 09/07/17
2nd Reading: 09/18/17
Passed: _____ Rejected: _____
Codified: _____ Code No: _____
Passage Publication: _____

ORDINANCE C- 45-17

AN ORDINANCE TO AMEND SECTION 521.08 OF THE CODIFIED ORDINANCES OF THE CITY OF GROVE CITY, OHIO TITLED LITTERING OR DUMPING OF GARBAGE OR RUBBISH

WHEREAS, the City of Grove City is a growing vibrant community with numerous ongoing residential and commercial building projects; and

WHEREAS, the residential and commercial building projects are served by dumpsters that are left uncovered; and

WHEREAS, waste and other materials from the uncovered dumpsters are contributing to trash and other nuisance conditions in their vicinity; and

WHEREAS, the City currently has regulations regarding trash but these regulations need to be updated to account for construction dumpsters.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Section 521.08 is hereby amended, in part, as follows:

521.08 LITTERING OR DUMPING OF GARBAGE OR RUBBISH.

(h) Dumpsters located on construction sites, in any zoning district, are required to be covered except when construction materials are being placed in it. The applicant for any permit issued under Section 1305.06 shall be responsible for compliance with this section.

(i) Whoever violates this section is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 2. This Ordinance shall take effect at the earliest date permitted by law.

Roby Schottke, President of Council

Richard L. Stage, Mayor

Passed:

Effective:

Date: 08/27/17
Introduced By: Mr. Robin.
Committee: Safety
Originated By: Mayor Stage
Approved: _____
Emergency: 30 Days: _____
Current Expense: _____

No.: C-46-17
1st Reading: 09/05/17
Public Notice: 09/07/17
2nd Reading: 09/18/17
Passed: _____ Rejected: _____
Codified: _____ Code No: _____
Passage Publication: _____

ORDINANCE C-46-17

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CODIFIED ORDINANCES TO PROHIBIT CULTIVATION, PROCESSING, AND RETAIL DISTRIBUTION OF MEDICAL MARIJUANA WITHIN THE CITY OF GROVE CITY

WHEREAS, on May 25, 2016, the Ohio General Assembly passed Substitute House Bill 523 ("H.B. 523"), which allows individuals with a qualifying medical condition, on the recommendation of a physician, to apply to the State, and upon approval of their application receive an identification card allowing them to obtain, possess, and use medical marijuana for the treatment of said condition; and

WHEREAS, H.B. 523 was signed into law by Ohio Governor John Kasich and thereafter became effective on September 9, 2016; and

WHEREAS, pursuant to home rule authority found in Article XVIII of the Constitution of the State of Ohio, the City Charter, and the Ohio Revised Code, municipalities have the inherent power to enact planning, zoning and business regulation laws that further the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, ORC §3796.29, enacted by H.B. 523, affirms that municipalities may adopt restrictions, including prohibiting or limiting the number of cultivators, processors, or retail dispensaries of medical marijuana within their corporation limits; and

WHEREAS, H.B. 523 provides that the Ohio Department of Commerce, the Board of Pharmacy, and the State Medical Board shall adopt rules establishing standards and procedures for the medical marijuana control program; and

WHEREAS, these state boards have published their proposed rules governing operation of marijuana dispensaries, cultivators, and processors, the issuance of certificates to physicians wishing to recommend medical marijuana to patients, and the registration of patients and caregivers wishing to purchase medical marijuana pursuant to these recommendations; and

WHEREAS, these proposed rules are in the process of completing the state's agency rule-review; and

WHEREAS, the City has studied these proposed rules; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, rendering the manufacture, distribution, dispensation, and the possession of marijuana with intention to manufacture, distribute, or dispense, a crime under federal law; and

WHEREAS, a consequence of the continued prohibition of marijuana by the Federal government is that financial services providers such as banks and credit card companies are unable to do business with

marijuana enterprises because it is illegal under Federal law to transmit funds known to have been derived from marijuana; and

WHEREAS, the unbanked status of marijuana businesses results in the businesses and their customers carrying significant amounts of cash; and

WHEREAS, the presence of large amounts of cash invites opportunity for robbery, theft, money laundering, tax evasion, and other crimes constituting threats to the public health, safety, and welfare; and

WHEREAS, due to the above threats to public health, safety, and welfare, having reviewed the State's rules and Federal law's continued classification of marijuana (cannabis) as a Schedule I drug, the City of Grove City determines that cultivation, processing, and retail dispensing of marijuana for medical purposes, or otherwise, shall not be a permitted use within this City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. Chapter 732, entitled Medical Marijuana, is hereby enacted as follows:

CHAPTER 732 – MEDICAL MARIJUANA

732.01 DEFINITIONS.

(1) “Academic medical center” has the same meaning as in section 4731.297 of the Ohio Revised Code.

(2) “Marijuana” has the same meaning as marihuana as defined in section 3719.01 of the Ohio Revised Code.

(3) “Medical marijuana” means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(4) “State university” has the same meaning as in section 3345.011 of the Ohio Revised Code.

732.02 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED.

(1) The cultivation, processing, or retail dispensing of medical marijuana within the City of Grove City is hereby prohibited.

(2) This section does not prohibit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity, if otherwise permitted by State law or rule, or local ordinance.

732.99 PENALTY

Whoever violates Section 732.02(1) is guilty of a misdemeanor of the fourth degree. Each day of violation shall constitute a separate offense.

SECTION 2. Section 1135.09(o), entitled Medical Marijuana Cultivation, Processing, or Retail Dispensing, is hereby enacted as follows:

1135.09(o) CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED IN ALL DISTRICTS.

- 1. The cultivation, processing, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts within the City of Grove City.**
- 2. Use of property in violation of this section shall constitute a nuisance.**
- 3. In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any damage award, judgment, or fine in contempt levied in relation to a violation of this Section.**

SECTION 3. This Ordinance shall take effect at the earliest date permitted by law.

Roby Schottke, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I certify that this
ordinance is correct as to form.

Stephen J. Smith, Director of Law

Date: 08/27/17
Introduced By: Mr. Bennett
Committee: Lands
Originated By: Mr. Smith
Approved: Mr. Boso
Emergency: 30 Days: X
Current Expense:

No.: C-48-17
1st Reading: 09/05/17
Public Notice: 09/07/17
2nd Reading: 09/18/17
Passed: Rejected:
Codified: Code No:
Passage Publication:

ORDINANCE C-48-17

AN ORDINANCE TO VACATE A WATER LINE EASEMENT ON GANTZ ROAD

WHEREAS, a survey conducted as part of the development plan for the "Southpark 20" site at 3555 Gantz Road shows a 20-foot-wide waterline easement through the proposed building site; and

WHEREAS, the waterline was abandoned and is no longer in use.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The existing water line easement as generally shown in Exhibit A and described in Exhibit B is hereby vacated.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Roby Schottke, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I certify that this
ordinance is correct as to form.

Stephen J. Smith, Director of Law

C-48-17
Exhibit A

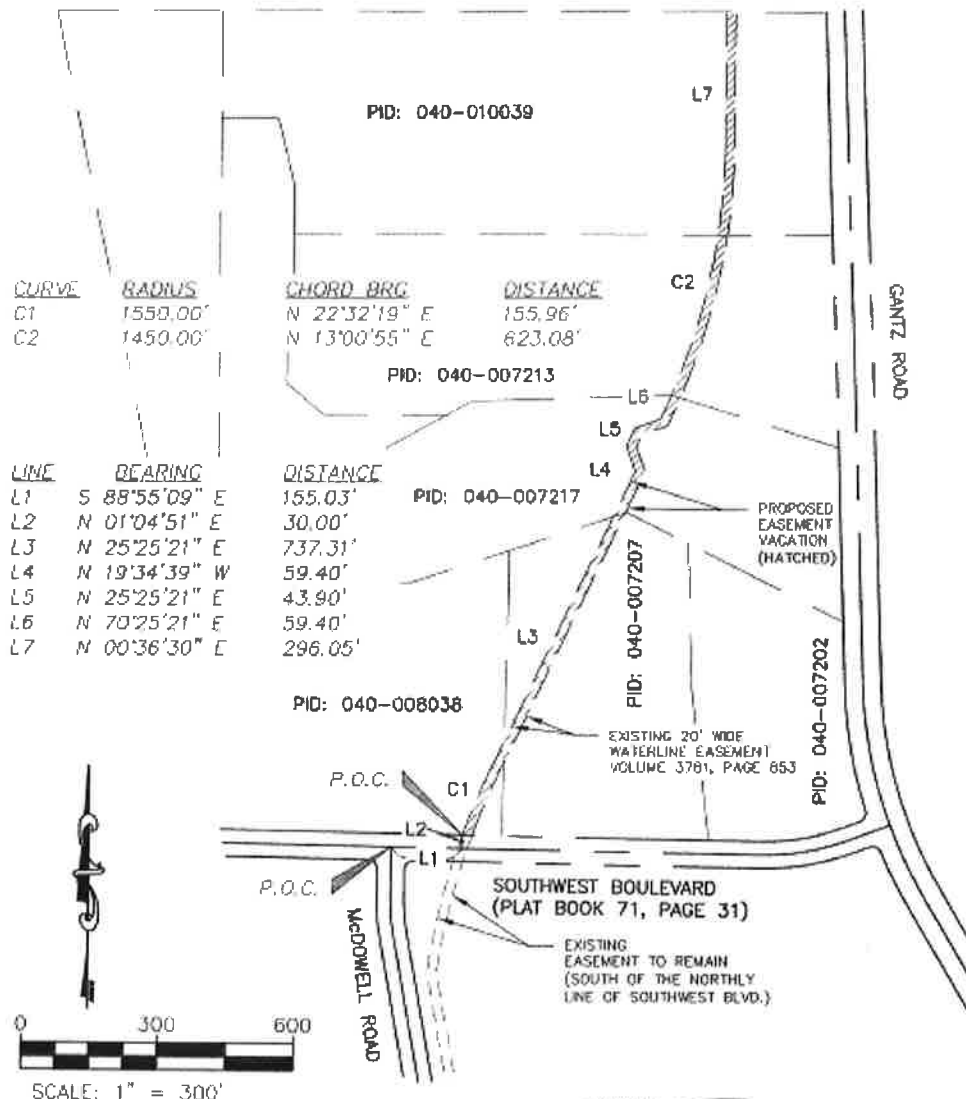


Phone: (614) 220-9122

1500 West Third Ave., Suite 102, Columbus, Ohio 43212

Email: info@brhgroup.com

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GROVE CITY, LOCATED IN VIRGINIA MILITARY SURVEY NO. 6839, AND VACATING A PORTION OF A 1.280 ACRE 20-FOOT WIDE WATERLINE EASEMENT AS DESCRIBED IN A DEED OF EASEMENT TO THE CITY OF GROVE CITY, OHIO OF RECORD IN VOLUME 3781, PAGE 653. ALL REFERENCES TO RECORDS ARE ON FILE IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO



BASIS OF BEARINGS:
BEARINGS ARE BASED ON AN ASSUMED MERIDIAN AND ARE USED HEREIN TO INDICATE ANGLES ONLY.

NOTE:
ALL RECORD INFORMATION SHOWN HEREON WAS OBTAIN FROM THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

THIS PLAT WAS PREPARED BY ROLLING & HOCEVAR, INC., AND IS A TRUE AND ACCURATE REPRESENTATION, TO THE BEST OF MY KNOWLEDGE AND BELIEF, OF A SURVEY BASED ON INFORMATION OF RECORD IN AUGUST, 2017.

ANDREW G. PLANET, P.S. No. 7802

DATC



SURVEY PREPARED BY:



297 South Court Street, Suite 6
Medina, Ohio 44256
Phone: (330) 725-1828
RH Proj. No. 35,754

C-48-17
Exhibit B

Legal Description for a Waterline Easement Vacation

Situated in the State of Ohio, County of Franklin, City of Grove City, located in Virginia Military Survey No. 6839, and vacating a portion of a 1.280 acre 20-foot wide waterline easement as described in a deed of easement to the City of Grove City, Ohio of record in Volume 3781, Page 853, said portion of the easement being vacated is located North of the Northerly Right-of-Way line of Southwest Boulevard shown as dedicated in the plat for SouthPark, of record in Plat Book 71, Pages 31 and 32, all references to records are on file in the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

COMMENCING for REFERENCE, at the intersection of the centerline of said Southwest Boulevard with the centerline of McDowell Road shown as dedicated in said plat for SouthPark:

Thence along the centerline of said Southwest Boulevard, bearing South 88°55'09" East, a distance of 155.03 feet to a point thereon;

Thence at a right angle, bearing North 01°04'51" East, a distance of 30.00 feet to a point in the Northerly Right-of-Way line of said Southwest Boulevard and being the **TRUE PLACE OF BEGINNING** for said waterline easement vacation;


Thence along the Westerly side of the 20-foot strip to be vacated lying East of and adjacent to the following seven (7) courses, said easement vacation extending at angle points to intersect each other and also extending at the beginning point and at the point of termination to intersect the property lines;

1. along a curve to the right having a radius of 1550.00 feet and a chord that bears North 22°32'19" East, a distance of 155.96 feet to a point;
2. bearing North 25°25'21" East, a distance of 737.31 feet to a point;
3. bearing North 19°34'39" West, a distance of 59.40 feet to a point;
4. bearing North 25°25'21" East, a distance of 43.90 feet to a point;
5. bearing North 70°25'21" East, a distance of 59.40 feet to a point;
6. along a curve to the left having a radius of 1450.00 feet and a chord that bears North 13°00'55" East, a distance of 623.08 feet to a point;
7. bearing North 00°36'30" East, a distance of 296.05 feet to the point of termination and the **TRUE PLACE OF BEGINNING**; intending to describe only the portion of the existing waterline easement that is to be vacated which is located North of the of the Northerly Right-of-Way line of said Southwest Boulevard.

Basis of Bearings: Bearings are based on an assumed meridian and are used herein to indicate angles only.

The foregoing description has been prepared by Rolling & Hoyer, Inc. under the direct supervision of Andrew G. Planet, Registered Professional Surveyor Number 7802.

Rolling & Hoyer, Inc.



Andrew G. Planet, P.S.
Professional Surveyor No. 7802

8-9-2017
Date



Date: 09/13/17
Introduced By: Mr. Bennett
Committee: Lands
Originated By: Plan. Comm.
Approved:
Emergency: 30 Days:
Current Expense:

No.: C-53-17
1st Reading: 09/18/17
Public Notice: 9/21/17
2nd Reading: 10/02/17
Passed: Rejected:
Codified: Code No:
Passage Publication:

ORDINANCE C-53-17

AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR AN AUTOMOTIVE DEALER AND REPAIR SERVICES FOR RCD RV SUPERCENTER LOCATED WEST OF SEEDS ROAD AND SOUTH OF STATE ROUTE 665

WHEREAS, RCD RV Supercenter, applicant, has submitted a request for a Special Use Permit for an Automotive Dealer and motor vehicle repair, services located West of Seeds Road and South of State Route 665; and

WHEREAS, on September 02, 2017, the Planning Commission of the City of Grove City recommended the approval of a Special Use Permit at this location, with the following stipulations:

1. Pre-owned vehicular sales as well as vehicular repair and service shall be permissible provided they are in conjunction with the operation of a dealership selling new vehicles;
2. In addition to the requirements of Chapter 1145 "Signs", no over-sized inflated displays, whirligigs, window paints, spinners or other attention getting devices shall be permitted on any vehicle, building, or anywhere on the premises;
3. Signs on vehicles for sale shall be limited to only one (1) side window containing price, description and warranty information.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. A Special Use Permit, under Section 1135.09b(12)A1e & f are hereby issued to RCD RV Supercenter, located West of Seeds Rd. & South of SR665, contingent upon the stipulations set by Planning Commission.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Roby Schottke, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance
is correct as to form.